THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5295 of 2007

Between:

M/s.Eleshwari Restaurant & Bar. … Petitioner

and

The Commissioner of Prohibition and Excise,
and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise for the respondents.

It is the case of the petitioner that it obtained license on 19-11-2005 for sale of liquor. But, pursuant to certain stay orders, the Bar of the petitioner could not be functioned for a period of 180 days. However, the 1st respondent collected the license fee of Rs.9,25,000/- for the year 2005-06 i.e., for 365 days, whereas the Bar has run only for 185 days. Therefore, it is stated that the 1st respondent collected the licence fee for the unlicensed period also. In that regard, the petitioner made representation before the 1st respondent on 23-12-2007 for refund of the excess license fee and the same is pending.

As the representation is pending before the 1st respondent, without expressing any opinion on the merits of the case, I am of the opinion that it is just and proper to direct the 1st respondent to dispose of the representation of the petitioner, dated 23-12-2007.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider and dispose of the representation of the petitioner, dated 23-12-2007, in accordance with law, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

15-03-2007

Note: Issue C.C. in two days

(B/o)

Prv